

**5-643 Landscaping Standards for Specific Uses.** The following ~~exterior lighting and noise~~ landscaping, buffering, and screening standards shall apply to specific uses in this section when they are expressly referenced in the standards for the specific use.

- (A) **~~Landscaping/Buffering/Screening in Setbacks or Yards Adjacent to Certain Sized Lots.~~** A minimum of the first 50 feet of setback or yard area adjacent to any existing lot four (4) three acres or less in size that contains a house within 300 feet of the adjacent property line shall be landscaped and screened with solid fencing and/or landscaped area that provides year-round screening and is equivalent to a Type Three (3) Buffer Yard (Section 5-1400). The Zoning Administrator may waive, reduce and/or modify these planting requirement if in his/her opinion the The use of natural topography, vegetation, and trees that provides screening at the density, depth and height of the Type Three (3) Buffer Yard shall be credited towards this Type Three (3) Buffer Yard requirement in accordance with Section 5-1409(E).
- (1) In the A-3, A-10, AR-1, AR-2, RR-1 and RR-2 zoning districts, the Zoning Administrator may permit the required buffer to surround the proposed use, rather than to be located on the property line.
- (B) **~~Screening of Parking Areas.~~** Parking areas shall be provided with 1 canopy tree per each 10 parking or 2 loading spaces Yards, berms, vegetative screening, fences or walls shall be provided to buffer adjacent properties and public streets from for off-street parking areas and service areas for loading and unloading. The Zoning Administrator may waive, reduce and/or modify these tree planting requirements if in his/her opinion the topography or existing vegetation adequately screens such parking areas from adjacent properties.
- (C) **Screening of Outdoor Storage and Storage Yards.** Outdoor storage and storage yards shall be screened to minimize visibility from view from adjacent public roads and adjacent single family detached uses by six (6) canopy trees per one hundred (100) lineal feet of perimeter of storage area.
- (D) **Use of Native Species.** Vegetative materials used to meet the landscaping and buffering requirements of this section shall consist of a minimum of 90% native species. Listings of native shrubs and trees appropriate for the region type are found Chapter 7 of the Facilities Standards Manual.

## **SPEX MSPX**

### **MINOR SPECIAL EXCEPTION APPLICATION\*** **MINOR SPECIAL EXCEPTION USES AND MODIFICATIONS TO SECTION 5-600** **OF THE LOUDOUN COUNTY ZONING ORDINANCE**

#### **Checklist of Minimum Requirements**

Loudoun County Zoning Ordinance Section 6-1303(A) 6-1304(A):

**Pre-Application Conference.** Prior to filing an application, an applicant shall meet with the Director of Planning and discuss his intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. In connection with all such conferences, the Zoning Administrator shall be consulted as appropriate. A request for a pre-application conference shall be made in writing to the Director of Planning and shall be accompanied by a sketch map(s) of the site, a description of the existing environmental, topographical and structural features on the site, the proposed project or use, graphics that illustrate the scale, location, and design of any buildings or structures, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the County. The Director of Planning shall respond to each written request for a pre-application conference within fifteen (15) calendar days. If a pre-application conference is not scheduled within thirty (30) calendar days of a request for such conference, then the applicant may request a waiver of the conference. The Planning Director may waive the pre-application conference requirement in cases where the Director finds such a waiver is not detrimental to the applicant or the County.

For uses processed under the Revised 1993 Zoning Ordinance, refer to the Fee Schedule adopted 6/16/93 \_\_\_\_\_.

Category 1	\$ 460
Category 2	\$2,530
Category 3	\$4,830
Category 4	\$7,360

Section 6-1310, Issues for Consideration, lists factors considered by the Planning Commission and Board of Supervisors in their review. The applicant is encouraged to read this section before completing this application.

~~\*There are specialized checklists for the following types of special exceptions: MDOD (Mountainside Development Overlay); Tenant Dwelling for Seasonal Labor; Small Business in A-3, A-10, A-25; and Removal of Non-conformities. For Special Exceptions to remove nonconforming status or to amend a Concept Development Plan (CDP), pertinent information relating to the application will be discussed at the pre-application meeting. See page 2, Applicant Responsibilities.~~

Section 5-600, Additional Regulations for Specific Uses, includes information regarding modifications to 5-600 regulations. The applicant is encouraged to read this section before completing this application.

Revised March 2004 August 2006

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**MINIMUM SUBMISSION REQUIREMENTS FOR MINOR SPECIAL EXCEPTION APPLICATION**

Application No. \_\_\_\_\_

**TO BE COMPLETED BY THE APPLICANT**

Project Name: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Project Location: \_\_\_\_\_

Tax Map #(s): \_\_\_\_\_

Parcel #(s): \_\_\_\_\_

Parcel Owner(s): \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Applicant/Authorized Agent: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Engineer/Surveyor: \_\_\_\_\_  
(If Applicable)

Telephone No.: \_\_\_\_\_

Attorney: \_\_\_\_\_  
(If Applicable)

Telephone No.: \_\_\_\_\_

Signature of Person Completing Checklist: \_\_\_\_\_ Date: \_\_\_\_\_

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**TO BE COMPLETED BY THE PLANNING OFFICE PERSONNEL**

Date Received: \_\_\_\_\_ Date Reviewed: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date Accepted/Not Accepted: \_\_\_\_\_

Reason(s) For Not Accepting: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MCPI Number(s): \_\_\_\_\_

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A. APPLICANT RESPONSIBILITIES. The applicant must complete all of the Minor Special Exception information contained in this checklist, or present written approval for any deviation therefrom. Written approval from the designated department for any deviation from mandatory requirements must be obtained prior to application submission. The Planning Director may waive any information contained in the checklist, if it is determined that such information is not necessary to evaluate a request to modify a Section 5-600 regulation.

Where proposed project information is requested in this checklist for adjacent property to the proposal, this information may be limited to projects on file with the County or with an adjacent incorporated town or surrounding jurisdiction.

All plats or plans submitted with this application shall be folded to a size of approximately 8½" x 11" with the title block visible.

If the application is judged incomplete, the staff will identify in writing the deficiencies that must be corrected. The application will not be accepted for processing. The fee and materials will be returned to the applicant.

All required forms are available in the Department of Planning.

Approved Deviations:

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B. LAND DEVELOPMENT APPLICATION FORM. Submit a completed land development application form, including the following:

	SUBMITTED		
	YES	NO	N/A
1. Name of the applicant(s).			
2. Applicant(s) address: city/state/zip.			
3. Applicant(s) telephone number(s).			
4. Authorized representative. (if applicable)			
5. Representative's address: city/state/zip code.			
6. Representative's telephone number(s).			
7. Property owner(s).			
8. Property owner(s) address: city/state/zip code.			
9. Property owner(s) telephone number(s).			
10. Present zoning classification(s). <sup>2</sup>			
11. Project location.			
12. Tax map & parcel number(s); MCP# number(s).			
13. Proposed name of the subdivision, development or business.			
14. Election district(s) in which the proposed minor special exception is located.			

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning

	SUBMITTED		
	YES	NO	N/A
15. Signature of the applicant.			
16. Signature of the owner.			
C. <u>CERTIFICATE OF PAYMENT OF TAXES</u> . Provide a certificate verifying that — real estate taxes have been paid for all property included in the application. — <i>(A certificate of payment of taxes is available from the Treasurer's Office.)</i>			
D. <u>USE VALUE ASSESSMENT PROGRAM</u> . Provide a — statement which — identifies any parcel(s) currently subject to the County's Use Value — Assessment that are included as part of this application. <i>(A Land Use — certificate is available from the Department of Financial Services.)</i>			
E. <u>C. DISCLOSURE OF REAL PARTIES IN INTEREST</u> . Provide completed disclosure form(s).			
F. <u>D. FEES</u> . Provide a check made payable to the County of Loudoun.			
G. <u>E. BUILDING DESIGN</u> . Provide 15 copies of floor plans and elevations for the front, sides, and rear <u>illustrations</u> of any on-site structures proposed <u>and</u> <u>photographs</u> of existing structures.			
H. <u>F. RECORD OF PRE-APPLICATION CONFERENCE</u> . Provide a copy of the documentation provided at the conference.			
I. <u>G. STATEMENT OF JUSTIFICATION</u> . Provide 15 copies of a written Statement of Justification describing the project and detailing the reason(s) why the granting of a <u>minor</u> special exception is appropriate. The statement must address the issues for consideration in Section 6-1310 of the Zoning Ordinance including a description of the proposed development's compliance with the environmental, cultural, land use, economic and fiscal, and design goals and policies of the Comprehensive Plan. <u>If a modification to the requirements of Section 5-600 is requested, a statement as to how the applicant proposes to exceed the public purpose as described in Section 5-600.</u>			
J. <u>VICINITY MAP</u> . Provide 15 copies of a map labeled "Vicinity Map" at a scale — of 1" = 1000', 8½" x 11" in size with approximate Virginia coordinate grid — information with the proposal's property centered on the map. <sup>1</sup> Include the — following information on the map:			
— 1. Approximate location of arterial and collector streets and any local streets — — connecting to the proposed project and street names or numbers; major — — streams or rivers; the Potomac River; the W&OD Trail. <sup>4</sup>			
— 2. Project boundaries and all existing lot boundaries (as shown on the — — County parcel maps) within the project and surrounding the project within — — the vicinity map area. <sup>4</sup>			
3. For adjacent property within 200 feet including property across the road from project, include the following: a. Approved and proposed projects or subdivision names, lot lines, section and lot numbers <sup>4</sup> and zoning <sup>2</sup> . b. Existing and proposed land uses at time of submission; lots; existing structures within 200 feet of the proposed project. <sup>4</sup> c. Adjacent open space easements, park and recreation land.			
— 4. Jurisdictional boundaries. <sup>4</sup>			

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K. H. MINOR SPECIAL EXCEPTION PLAT. Submit 15 copies of the plan at a scale of 1 inch = 200 feet.<sup>1</sup> If the proposed plan is not submitted at 1" = 200', a deviation to a more meaningful scale may be requested. At least three (3) plans must be provided at 1" = 200'. Four (4) copies are required when floodplain or mountainside exists on a site. To facilitate review of issues for consideration in Section 6-1310 and Section 5-600 of the Zoning Ordinance, the minor special exception plat shall include the following information:

	SUBMITTED		
	YES	NO	N/A
1. The scale, north point and date. <sup>1</sup>			
2. The boundary of the property showing bearings and distances. <sup>1</sup>			
3. Owner's names and zoning of adjacent property. <sup>21</sup>			
4. Signature of the property owner or applicant.			
5. Archaeological or historical features included in the State or National Register of Historic Places: a. Existing and proposed buildings, structures, walls, and fences on site. <sup>4</sup> For buildings and structures, indicate their date of construction, as determined by record search and visual survey, and whether it is planned that they be retained or demolished. b. The applicant must also conduct a survey of historic architecture, known and potential historic and archaeological sites. Identify any known grave, object, or structure marking a place of burial, as determined by record search and visual survey.			
6.5. a. Show location and area footprint, height of proposed use and identify use. Dimensions must be drawn to scale. b. Parking/loading areas: building and parking setbacks (front, side and rear). <sup>2</sup> Dimensions must be drawn to scale.			
7.6. The proposed location, lighting and type of sign.			
7. <u>Vicinity Map</u> . At a scale of 1" = 1000' include the following information: a. <u>Property boundaries</u> <sup>1</sup> b. <u>Jurisdictional boundaries</u> <sup>1</sup> c. <u>Approximate location of streets, major streams or rivers</u> <sup>1</sup> d. <u>Project boundaries and all existing lot boundaries within the project and surrounding the project within the vicinity map area.</u> <sup>1</sup>			
8. Adjacent property information including property across the road from project: a. Approved and proposed projects or subdivision names, lot lines, section and lot numbers and zoning. <sup>1</sup> b. Existing and proposed land uses at time of submission; lots; existing structures within 200' of the proposed project. <sup>1</sup> c. Existing and proposed abutting roads and their right-of-way widths. <sup>1</sup> d. Existing nonresidential access points, existing and proposed roadway intersections and median breaks. <sup>1</sup> e. Major roads identified in the County Transportation Plan and roads identified in the current Loudoun County/VDOT six-year plan. <sup>4</sup> f. <u>Adjacent open space easements, park and recreation land.</u>			

1. Information available from the Office of Mapping

2. Information available from the Department of Building and Development

3. Information available from the Clerk of the Circuit Court

4. Information available from the Department of Planning

	SUBMITTED		
	YES	NO	N/A
9. Location of proposed/existing well and septic system. Provision of evidence that application has been made to the County Health Department for proposed project's sewer and water systems if Loudoun County Sanitation Authority service is not available			
10. On-site roadway information including: <sup>1</sup> a. Existing and proposed access points to existing state road system including roadway entrance widths. b. Existing and proposed locations of internal through public street network and right-of-way widths; access points with adjacent parcels.			
11. Include parking/loading areas.			
12.11 The location and general description of vegetation and existing tree cover including: a. A description of type and extent of tree cover that identifies canopy, understory growth and other flora; b. An inventory of evergreen trees with calipers of 14 inches or larger and deciduous trees with calipers of 22 inches or larger (measured 4.5 feet above the ground); and c. Endangered species habitat <sup>6</sup> . d. The nature and extent of existing and/or proposed landscaping, screening or buffering on the site.			
13. Topography at contours not more than five (5) feet. <i>Note: The Director may request a two (2) foot contour.</i>			
14. The location of any steep slopes.			
15.12 The location and type of any fuel and fuel storage and a listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Commonwealth of Virginia Department of Waste Management.			
16. Where applicable, the limits of floodplain boundaries are to be delineated. The plan shall utilize and identify the source as the Floodplain Map of Loudoun County.			
17. 13 Limits of any overlay districts on the property (Historic and Cultural Conservation, Airport Impact, Floodplain Overlay District, and Mountainside Development Overlay District) <sup>2</sup> and location of any steep slopes.			
18. If requested by the Planning Director the applicant shall provide: a. A minimum of two cross-sections where a grade change of 3 feet or more is proposed or where buildings are proposed. The cross-sections shall illustrate existing and proposed topography, height and density of vegetation and the dimensions of proposed buildings. b. For projects adjacent to existing residentially zoned or used property, three-dimensional sketches providing a "bird's eye" (45°) view and at least two eye-level perspectives (30°) of the project illustrating the relationship between the proposed development and the surrounding community. <i>Note: The cross-sections and/or sketches shall be provided no later than the applicant's response to the initial agency comments (referrals).</i>			

1. Information available from the Office of Mapping

2. Information available from the Department of Building and Development

4. Information available from the Department of Planning

5. Information available from the State Department of Natural Resources

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	SUBMITTED		
	YES	NO	N/A
19.14 Identification of any Federal or State permits or conditions that directly limit development on the subject property.			
L. <u>TRAFFIC STUDY.</u> Provide 6 copies of a traffic analysis indicating the relationship of the proposed development to traffic, road and transit use and plans according to FSM Section 4-200B. <u>including the following elements: The scope of the study to be developed in consultation with the Office of Transportation Services.</u>			
— 1. Study area.			
— 2. Traffic count locations.			
— 3. Trip generation.			
— 4. Traffic volume projections.			
— 5. Level of service analysis.			
— 6. Minimum roadway/intersection level of service standards.			
— 7. Background traffic assumptions.			
— 8. Traffic/trip distribution.			
— 9. Level of service calculation assumptions.			
— 10. Mode choice.			
— 11. Safety locations.			
— 12. Traffic mitigation measures.			

M. I. ILLUSTRATION OR DESCRIPTION OF SECTION 5-600 MODIFICATION REQUEST. Illustrate existing condition and requested modification.

N. COMMUNITY MEETINGS. If the applicant is requested to hold meetings between the applicant and the surrounding communities, a list or schedule of these meetings must be provided.

O. J. MAILING LABELS. The applicant must submit ~~two (2) sets~~ one (1) set of pre-printed address/mailling labels with addresses of all adjacent property owners.

O. K. CERTIFICATION OF APPLICATION SUBMISSION. I hereby certify that the above stated information is included in the attached minor special exception application and accompanying materials. Further, I have included on the site plan any conditions required by proffers of an approved rezoning for this site, or required by a variance approval, special agreements or covenants.

APPLICANT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Application: \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_

Checklist Reviewer \_\_\_\_\_

Date \_\_\_\_\_



**CPAM 2005-0005**  
**Comprehensive Plan Amendments to the Rural Policies**  
**Board of Supervisors Committee of the Whole**  
**Draft Worksession Summary**  
**June 20, 2006**

Board members in Attendance

Scott York, Chairman; Supervisors Jim Burton, Jim Clem Eugene Delgaudio, Sally Kurtz, Steve Snow, Mick Staton, Bruce Tulloch, and Lori Waters

Supervisor Staton, Chair of the Committee of the Whole, convened the meeting at 6:30 p.m. and reviewed the agenda for the session.

**I. Committee of the Whole Guidelines**

The guidelines provide tentative meeting dates for the Board's worksessions and a process to review the Rural Policy Area Comprehensive Plan Amendment, Zoning Ordinance Amendment, Zoning Map Amendments and Development Ordinance Amendments.

**Board of Supervisors Action:**

Chairman York moved the draft motion to adopt the process as amended to conclude the worksessions at 10 p.m. and to remove June 28, 2006 from the worksession schedule. Seconded by Supervisor Tulloch. The motion carried unanimously.

**II. Comprehensive Plan Amendments Status (Procedurally)**

The purpose of this item is for the Board to decide whether to proceed with the September 11, 2006 deadline date in accordance with the 90-day Planning Commission's certification or send the CPAM back to the Planning Commission for re-advertisement.

**Board of Supervisors Action:**

Chairman York moved to schedule a joint Board of Supervisors/Planning Commission Public Hearing for July 24, 2006. Mr. York accepted Supervisor Clem's request that the Planning Commission and Board members have an opportunity to review the advertisement prior to publication to assure that all concerns have been addressed.

Supervisor Snow moved a substitute motion to maintain A-3 zoning for all rural areas in Loudoun County. Seconded by Supervisor Delgaudio. The motion FAILED 3-6 (Supervisors Delgaudio, Snow, and Staton-yes).

The Board voted 6-3 (Supervisors Delgaudio, Snow, and Staton-no) to hold a joint Board of Supervisors/Planning Commission Public hearing on July 24, 2006 to begin at 3 p.m. with a break at 5:30 p.m. and reconvene at 6 p.m.

**III. Amendments to the Comprehensive Plan/Decision Options**

**A. Rural Villages**

Supervisor Kurtz raised the issue of considering amendments to the Comprehensive Plan and the Zoning Ordinance relative to the rural villages. The Board concurred that rather than referring the issue to the Planning Commission for consideration during this process, the matter should be taken up at a Board of Supervisors business meeting. (At its July 18,

2006 business meeting, the Board voted unanimously to initiate a CPAM and ZOAM to establish a new Rural Village option in the Rural Policy Area. subsequent to completion of the active CPAMs and the Zoning Ordinance Annual Review.)

**B. Board of Supervisors original direction incorporating the Planning Commission's Recommendations (as advertised)**

Following are the proposed amendments to the Rural Policies of the Loudoun County Comprehensive Plan May 17, 2006 draft, Attachment 5 of the June 7 and 10, 2006 Public Hearing staff report.

1. **Amend Policy 18 Rural Economy Policies (Revised General Plan, Pg. 7-11)**  
Staff Report, Pg. A-47

**Planning Commission Recommendation**

Country Clubs and Golf courses in rural areas will be permitted only by Special Exception.

**Board of Supervisors Action**

Supervisor Burton made a motion to accept the Planning Commission's recommendation to add "Country Clubs" as a Special Exception use in the rural area. Seconded by Supervisor Delgaudio. The motion carried unanimously.

2. **Amend Policy 11 Rural Residential Policies (Revised General Plan, Pg. 7-16)**  
Staff Report, Pg. A-50

**Planning Commission Recommendation**

Rural Cluster developments allow landowners to group lots in a traditional rural community pattern, while preserving the majority of the land base for rural economy uses. A Rural Cluster is the grouping of building units on small lots of varying sizes with the largest part of the site remaining in open land. ~~There is no minimum lot size for the clustered lots.~~ Lots served by onsite water and on-site wastewater within a rural cluster may be as small as a minimum of 40,000 square feet (approximately 1 acre); however, Lots served by on-site water and off-site wastewater within a rural cluster may be minimum of 20,000 square feet (approximately 1/2 acre). Lots served by communal water and wastewater within all rural clusters to provide a diversity of housing types and rural economy uses. The cluster is both visual and spatial with the dwellings scaled and sited to maintain coherent relationships to each other and the surrounding landscape. The residual open land in a cluster accounts for the overall lower density of the site, and will serve to accommodate rural economy uses and preserve rural character. Rural economy uses are encouraged on any and all residential lots.

**Board of Supervisors Action**

Supervisor Waters moved to proceed with the Board's original language. Seconded by Supervisor Burton. The motion FAILED 2-7 (Supervisors Water and Burton-yes)

Supervisor Kurtz moved to accept the Planning Commission's recommendation with an amendment to strike the sentence "The cluster is both visual and spatial with the dwellings scaled and sited to maintain coherent relationships to each other and the surrounding landscape." Seconded by Chairman York.

The vote to accept the Planning Commission's recommendation without Supervisor Kurtz' proposed amendment FAILED 2-7 (Waters, Burton-yes)

The vote to accept the Planning Commission's recommendation with Supervisor Kurtz' proposed amendment carried 7-2 (Waters, Burton-no)

3. **Amend "Rural Policy Area Design Guidelines", 1. Rural Clusters b. "Size"**  
**(Revised General Plan, Pg. 11-16)**  
Staff Report, Pg. A-52

**Planning Commission Recommendation**

~~Clusters should comprise a minimum of 5 to 25 lots with no minimum lot size to and be surrounded by conservancy rural economy lots and/or common open space. The minimum lot size in a cluster shall be determined based on the type of water and wastewater to be provided to the individual lot. Lots within a rural cluster may be as small as 40,000 square feet (approximately 1 acre); however. A variety of lot sizes is encouraged to provide a diversity of housing types and rural economy uses. Conservancy lots may be no smaller than seven acres in size and should average at least 20 acres per conservancy lot. While more than one cluster may be accommodated on a tract of land, such settlements should be physically and visually separated from adjoining residential and rural economy uses. A minimum of 80 percent of the tract should be placed in an open space easement and minimum of 70 percent of the tract would comprise common open space and conservancy lots. Any remaining development potential would be used in an open space preservation program.~~

**Board of Supervisors Action**

Supervisor Burton moved to approve the Board's original language. Seconded by Chairman York. The motion carried 5-4 (Supervisors Delgaudio, Snow, Tulloch and Staton-no)

*Staff noted that an adjustment would be necessary based on the Board's previous motion on the lot size related not to the maximum number of lots, but the size of the 40,000 sq. ft. lot decreases to 20,000 sq. ft. based on the type of water and wastewater provided on the lots.*

C. **Supervisors Staton and Kurtz Proposed Amendments**

1. Amend Policies 1&2 “Rural Residential Policies” (**Revised General Plan, Pgs. 11-16 through 11-17**) Staff Report, Pg. A-48

**Board of Supervisors Action**

Supervisor Staton moved to delete current Policies 1 and 2 describing the Southern Tier of the Rural Policy Area and the Remainder of the Rural Policy Area, and replace with the new “Rural Policy Area” text, page 2-11b in the **Revised General Plan** (Page A-46 in the staff report.) Seconded by Supervisor Delgaudio. The motion **FAILED** 3-5-1 (Supervisors Delgaudio, Snow, Staton-yes; Supervisor Clem absent)

2. Amend Policy 9 “Rural Residential Policies” (**Revised General Plan, Pg. 7-16**) Staff Report, Pg. A-49

A variety of residential unit types and accessory apartments will be permitted by the Zoning Ordinance in the Rural Policy Area to achieve affordability and conservation design objectives.

**Board of Supervisors Action**

Supervisor Staton moved to strike Policy 9 under “Rural Residential Policies.” Seconded by Supervisor Tulloch. The motion **FAILED** 4-4-1 (Supervisors Delgaudio, Tulloch, Snow, Staton-yes; Supervisor Clem absent).

3. Add new Policy 15 & 16 “Rural Residential Policies” (**Revised General Plan, Pg. 7-16**) Staff Report, Pg. A-51

**Policy 15:**

Rural Residential rezonings to higher densities may be appropriate and allowed in the northern and southern tiers of the Rural Policy Area. Rural Residential rezonings at the equivalent of one dwelling unit per 7.5 acres in the northern tier and one dwelling unit per 15 acres in the southern tier of the Rural Policy Area would be considered. All Rural Residential rezonings will be developed in a clustered pattern and meet established performance criteria, including traffic capacity limits, design standards (i.e. siting and buffering) and pose no threat to public health, safety and welfare.

**Policy 16:**

Rural Residential rezonings to higher densities will be contingent on the ability to mitigate the following impacts:

- a. Capital impacts;
- b. Transportation impacts;
- c. Preservation and protection of significant open space and opportunities for rural economic uses;
- d. Compatibility with surrounding uses and the rural landscape; and
- e. Protection of significant site features and environmental resource

**Board of Supervisors Action**

Supervisor Staton moved to strike new policies 15 and 16 under “Rural Residential Policies.” The motion FAILED 3-5-1 (Supervisors Delgaudio, Staton and Snow -yes; Supervisor Clem absent)

4. **Amend Rural Policy Area Design Guidelines, 1.a. Rural Clusters (Revised General Plan, Pg. 11-16)**  
Staff Report, Pg. A-52

Rural clusters allow lots to be ~~elustered~~ grouped in a traditional rural community pattern while retaining the majority of a site in common open space and/or rural economy lots. Rural clusters will support predominantly single-family detached residential development. Rural Residential rezonings will be permitted in both tiers of the Rural Policy Area. Mitigation of the impacts associated with the increased residential densities of rezonings will be required. Clusters will should be designed based on conservation design techniques to protect groundwater resources, preserve open space, and the Green Infrastructure, enhance the rural economy, and reduce potential congestion on rural roads.

**Board of Supervisors Action**

Supervisor Kurtz moved to accept the proposed language with an amendment to insert in the last sentence, following “enhance the rural economy,” the phrase, “enhance opportunities for alternative and passive energy residences.” Seconded by Supervisor Burton. The motion carried 8-0-1 (Supervisor Clem absent)

5. **Amend Policy 4 “Proffer Guidelines” (Revised General Plan, Pg. 11-2)**  
Staff Report, Pg. A-51

**Rural Policy Area:** The Rural Policy Area policies contained in Chapter Seven and related policies elsewhere in the ~~plan~~ Plan address the County’s rural strategy. ~~Both the planned density for the Rural Policy Area and the resulting zoning pattern do not portend future zoning map amendments.~~ For zoning applications within the Rural Policy Area that propose higher residential densities proffers for capital facilities and transportation improvements to major arteries will be anticipated. Such contributions will be evaluated in accordance with a base density equivalent to that contained in the existing zoning district regulations applicable to the property and in effect at the time of the application for a change in zoning. In the event that planned densities are to be equivalent to potential density in the rural zoning district(s), a specified base density figure is not necessary. However, the County anticipates that residential zoning map amendment applications within existing villages and other similar applications in the rural policy area will include capital facility contributions.

**Board of Supervisors Action**

Supervisor Staton moved to amend the sentence, "Such contributions will be evaluated in accord with a *base* density..." to "Such contributions will be evaluated from a *By-right* density...". The motion to amend the language changing "base" density to "byright" density FAILED 3-5-1 (Supervisors Delgaudio, Snow, and Staton-no; Supervisor Clem absent)

6. **Amend B. "Rural Policy Area Roads-US Route 15" (Countywide Transportation Plan Pg. 3-10)** Staff Report, Pg. A-54

U.S. Route 15, running north-south, is a state-designated Virginia Byway with historic landmarks located along it. U.S. Route 15 will remain a two-lane rural highway in Loudoun County with safety improvements to be built as needed and funded. Currently, a safety improvements project is funded for the portion of US Route 15 between the Potomac River at the north end to the northern corporate limits of the Town of Leesburg at the south end.

**Board of Supervisors Action**

Supervisor Kurtz moved to omit the last sentence since the only improvements on Rt. 15 north of Leesburg are spot improvements; therefore, this statement is incorrect. Seconded by Supervisor Delgaudio. The motion carried 7-0-2 (Supervisors Clem and Snow absent).

7. **Amend B. "Rural Policy Area Roads-US Route 50" (Countywide Transportation Plan Pg. 3-10)** Staff Report, Pg. A-54

Route 50 runs east-west between Fairfax and Fauquier Counties. In the Rural Policy Area there is a Traffic Calming Demonstration project funded by the US Department of Transportation (USDOT) from Lenah (in Loudoun County) to Paris (in Fauquier County). This traffic calming project will maintain US Route 50 as a two-lane highway. State Virginia Byway designation and Loudoun County Historic Roadway District designation will be sought for the portion of Route 50 running through the Mosby Heritage Area in recognition of the road's scenic and historic character.

**Board of Supervisors Action**

Supervisor Kurtz moved to insert in the third line, following (USDOT), "and the Commonwealth" since the project also received funds from the Commonwealth of Virginia. Seconded by Supervisor Burton. Without objection, Board members approved the text change as moved.

8. **Amend B. "Rural Policy Area Roads--VA Route 7" (Countywide Transportation Plan Pg. 3-10)** Staff Report, Pg. A-54

VA Route 7 is a primary arterial highway running east-west through Loudoun County. In the Rural Policy Area, it connects from the western boundary of the

County with Clarke County to the western boundary of the Town of Leesburg. VA Route 7 is currently planned to be a six-lane primary arterial highway within these limits. Of particular concern is the portion of VA Route 7 between the interchanges with VA Route 9 and West Market Street (in Leesburg), which needs to be upgraded to a six-lane limited access highway from its configuration as a four-lane controlled access highway including frontage roads with improvements made to the Route 7/9 interchange. This limited access highway upgrade was approved by the Board of Supervisors as a high priority implementation project in the fall of 1999.

**Board of Supervisors Action**

Supervisor Kurtz moved to strike the third sentence and replace with "VA Route 7 is currently planned to be a six-lane primary arterial highway between West. Market Street and Round Hill; a four-lane primary arterial highway from Round Hill to the Clarke County line." Without objection, Board members approved the text change as moved.

9. **Amend B. "Rural Policy Area Roads--VA Route 287" (Countywide Transportation Plan Pg. 3-10)** Staff Report, Pg. A-55

VA Route 287, between the Potomac River near Brunswick, Maryland and Route 7 in Purcellville, will be kept as a two-lane minor arterial highway. The Town Council of Purcellville has requested funds from the Commonwealth Transportation Board for improvements to the interchange at VA Route 7 and VA Route 287 as well as extending Route 287 on the south side of Business Route 7 to Route 690 as the South Collector Road. Safety improvements will also be implemented on Route 287. One of these projects, an intersection at Route 287/663, has been funded.

**Board of Supervisors Action**

Supervisor Kurtz moved to omit the last sentence "One of these projects, an intersection at Route 287/663, has been funded." Ms. Kurtz stated that the project has been completed. Without objection, Board members approved the text change as moved.

10. **Add new text on the Rural Policy Area Roads—Rustic Road Program (Countywide Transportation Plan Pg. 3-11)** Staff Report, Pg. A-56

**"Rural Rustic" Program**

VDOT manages a Rural Rustic Road Program for any unpaved secondary road that carries at least 50 but no more than 500 vehicles per day. The engineering standards in this program are designed to preserve the significant historic and environmental features of these low volume roadways, while limiting impacts to the rights-of-way of the existing roads. The following VDOT guidelines apply to the Rural Rustic Road program.

- Roadways must be unpaved and already within the State Secondary System
- Roadways must be a priority (line item) in an approved Secondary Six-Year Plan, even if the funding source is not from normal, secondary construction allocations.

- The Board of Supervisors, in consultation with VDOT's Resident Engineer or designee, must designate by a specific resolution a road or road segment as a Rural Rustic Road.
- Roadway or roadway section must be predominately for local traffic use.
- The local nature of the road means that most motorists using the road have traveled it before and are familiar with its features.
- The Board of Supervisors will endeavor to limit growth on roads improved under the Rural Rustic Road program and cooperate with the Department through its comprehensive planning process to develop lands consistent with rural rustic road concepts.

**Board of Supervisors Action**

Supervisor Kurtz moved to amend the first sentence from "500 vehicles" to "1000 vehicles per day, effective July 1, 2006." Without objection, Board members approved the text change as moved.

**11. Amend Policy 10 Rural Roads Policies (Countywide Transportation Plan Pg. 3-12) Staff Report, Pg. A-57**

Secondary Roads (numbered 600 and above) in Loudoun's Rural Policy Area will be maintained in their present condition as either paved or unpaved roads with only safety improvements to be undertaken on these roads. ~~Any savings in state funds—would be redirected to other secondary roads in the Suburban and Transition Policy Areas.~~

**Board of Supervisors Action**

Supervisor Staton moved to retain the final sentence in *Policy 10* "Any savings in state funds would be redirected to other secondary roads in the Suburban and Transition Policy Areas." Seconded by Supervisors Tulloch. The motion carried 8- 0-1 (Supervisor Clem absent).

Supervisor Staton requested that the Board's changes to the Comprehensive Plan Amendment be advertised for a joint Board of Supervisors and Planning Commission Public Hearing on July 24, 2006 at 3 p.m.

**IV. Framework for future worksessions.**

Board members discussed the framework options for reviewing and making decisions on the proposed amendments and agreed on the matrix approach to include draft amendments to the ZOAM, ZMAP, and DOAM. Supervisor Staton requested that Board members who wish to present proposed amendments should submit them to staff before the next worksession on June 26 so the amendments may be included on the matrix.

The worksession was adjourned at 9 p.m.



ZOAM 2005-0002, ZMAP 2005-0042, AND DOAM 2005-0003  
Amendments to the Rural Policies  
Board of Supervisors Committee of the Whole  
Draft Worksession Summary  
June 26, 2006

Board members in Attendance

Scott York, Chairman; Supervisors Jim Burton, Jim Clem Eugene Delgaudio, Sally Kurtz, Mick Staton, Bruce Tulloch, and Lori Waters. Absent: Supervisor Steve Snow

Supervisor Staton, Chair of the Committee of the Whole, convened the meeting and reviewed the agenda for this session.

**I. Review of Zoning Ordinance Text Amendments, Article II, Division A: Rural Districts**

Page numbers refer to Attachment 8 in the June 7 and 10, 2006 Board of Supervisors Public Hearing staff report.

**A. Section 2-100 AR-1 Agricultural Rural-1**

**1. AR-1 Use Regulations Section 2-102 (F) "Minimum Acreage required for use."**

**Staff Report: Pg. A-76**

Minimum Lot Size Requirements. Each principal permitted use shall meet the minimum acreage requirement, where specified in the "Additional Regulations for Specific Uses" in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be equal to or greater than the sum of the minimum acreage requirements for each principal use.

**Planning Commission recommendation**

Change this section to allow more than one principal use on a parcel with the required minimum lot size being the greater of the minimum acreage requirements listed in Section 5-600 for each of the principal uses.

**Board of Supervisors Action**

Supervisor Burton moved to accept the Planning Commission's recommendation. Seconded by Chairman York. The motion carried 7-0-2 (Supervisors Snow and Clem absent)

**2. AR-1 Use Table 2-102 Equestrian and Stable Facilities (Pgs A-77 and A-78)**

**Board of Supervisors Action:**

Supervisor Staton moved that the additional regulations not be removed on seven sections related to equestrian facilities and stables, specified by strikethroughs on pages A-77 and A-78. Seconded by Supervisor Delgaudio. The motion carried 4-3-2 (Kurtz, Waters, York-no; Clem and Snow absent)

Chairman York asked if this issue could be referred to the Zoning Ordinance Review Committee. The Board concurred to refer this issue to ZORC for review.

3. *AR-1 Use Table 2-102 Kennel and Kennel, Indoor (Pg A-78)*

**Board of Supervisors Action:**

Supervisor Kurtz recommended that the regulation for “Kennel” be changed from a Minor Special Exception to a Special Exception and “Kennel, Indoor” be changed from a Permitted Use to a Minor Special Exception. Seconded by Supervisor Delgaudio. The motion carried 7-0-2 (Supervisors Clem and Snow absent)

4. *AR-1 Use Table 2-102 Accessory Dwelling (Pg. A-79)*

**Planning Commission recommendation**

The Planning Commission recommended amending district regulations to remove Tenant Dwelling, Guest House, and Caretakers Quarters from permitted uses.

**Board of Supervisors Action:**

Supervisor Staton moved to delete Accessory Dwelling (accessory to single family detached dwelling); Caretaker’s Residence; Guest House (accessory to single family detached dwelling; Co-housing; Tenant Dwelling; and Tenant dwelling, seasonal labor as permitted uses. Seconded by Supervisor Delgaudio.

Supervisor Waters moved a substitute motion to accept the Planning Commission’s recommendation that would combine these uses into an overall category of “Accessory Dwellings.” Seconded by Chairman York. The motion carried 4-2-2 (Supervisors Delgaudio, and Staton – no; Supervisors Clem and Snow absent)

5. *AR-1 Use Table 2-102 Banquet Facility (Pg. A-82)*

**Planning Commission recommendation:**

Allow Banquet Facility to be a permitted use.

**Board of Supervisors Action:**

Supervisor Staton moved to change “Banquet Facility” from a Minor Special Exception to a Permitted Use. Seconded by Supervisor Delgaudio. The motion FAILED 2-5-2 (Supervisors Delgaudio and Staton-yes; Supervisors Clem and Snow absent).

6. *AR-1 Use Table 2-102 Private Club (Pg. A-82)*

**Planning Commission recommendation**

Change Use table to allow “Private Club or Lodge” as a Special Exception use in the AR-1 and AR-2 Districts.

**Board of Supervisors Action:**

Supervisor Staton moved to allow private club or lodge as a special exception use in AR1 and AR2 Districts. Seconded by Supervisor Delgaudio. The motion carried 7-0-2 (Supervisors Clem and Snow absent).

*The Board requested that staff return to the July 5 worksession with a draft definition of "adult entertainment" as well as regulatory language for this type of activity.*

**7. AR-1 Use Table 2-102 Bed and Breakfast (Pgs. A-82 & A-83)**

**Planning Commission recommendation**

Eliminate the distinction between Bed and Breakfast Homestay and Inn and allow Bed and Breakfasts as a permitted use regardless of size.

**Board of Supervisors Action**

Supervisor Staton moved to accept the Planning Commission's recommendation. Chairman York amended the motion to eliminate the distinction between Bed and Breakfast Homestays and Inns, but allow as Minor Special Exception uses. Seconded by Supervisor Tulloch. The motion carried 7-0-2 (Supervisor Clem and Snow absent).

**8. AR-1 Use Table 2-102 Country Inn (Pg. A-83)**

**Planning Commission recommendation**

Change the use table in AR-1 and AR-2 to specify "Country Inn" as a by right use regardless of size.

**Board of Supervisors Action:**

Supervisor Staton moved to accept the Planning Commission's recommendation. Chairman York moved a substitute motion to keep the current language without changes. Without objection from Board members, the use will remain a Minor Special Exception.

*Staff noted an error in the text that "Country Inn" is either minor special exception or permitted if it meets the performance standards in Section 5-600. However, the text will be changed to clarify that the use is to be a minor special exception and not a permitted use.*

**B. Section 2-103 - Development Options**

**1 Section 2-103 (A)(3)(d) Maximum Lot Coverage (Pg. A-85)**

**Planning Commission recommendation**

Increase the lot coverage for the base density option from 8% to 11%.

**Board of Supervisors Action:**

Supervisor Staton moved to accept the Planning Commission's recommendation. Seconded by Supervisor Tulloch. The motion carried 7-0-2 (Supervisors Clem and Snow absent).

2. *Section 2-103 (A)(1) Development Options Lot Yield and (A)(3)(a) Development Options Minimum Lot Size (Pg. A-85)*

Planning Commission recommendation:

Increase the lot coverage for the base density option from 8% to 11% in the AR-1 and AR-2 districts.

Board of Supervisors Action:

Supervisor Staton moved to change "Lot Yield" from "one lot per 20 acres" to "one lot per 10 acres" and "Minimum Lot Size" from 20 acres to 10 acres" Seconded by Supervisor Delgaudio. The motion FAILED 2-4-3 (Delgaudio, Staton-yes; Chairman York and Supervisors Snow and Clem-absent)

3. *Section 2-103 (B)(1) Principal/Subordinate Subdivision Option (Pgs. A85-A89)*  
This section contains new draft language drafted by staff.

Staff recommendation

Revise these sections to clarify that the amount of acreage needed to subdivide is based on the acreage in existence at the time of development and prior to right of way dedication. This language is consistent with similar language in the RR-1 and RR-2 district regulations.  
(a) **General.** A landowner may exercise this option on a site consisting of a minimum of 20 acres prior to development.

Board of Supervisors Action:

Supervisor Burton moved to accept staff's recommended language. The motion was seconded (inaudible) and carried 7-0-2 (Supervisors Clem and Snow absent)

4. *Section 2-103 (B)(4)(e) Principle/Subordinate Subdivision (Pg. A-88)*

Planning Commission:

Maximum Lot Coverage 15%.

Board of Supervisors Action:

Supervisor Waters stated that it will not be necessary to proceed with a motion on this issue if the minimum lot size of 80,000 sq. ft. applies to the principal/subordinate subdivision option, as agreed upon at the Board's June 20 worksession during discussion of the rural residential cluster option.

5. *Section 2-103 (C)(2)(e) Cluster Subdivision (Pg. A-89)*

Draft Language

A Homeowners' Association is required for a subdivision with common elements as described in Section 2-104.

**Board Action**

Supervisor Staton moved to delete this section requiring a Homeowners Association in western Loudoun. Seconded by Supervisor Kurtz. The motion **FAILED** 3-4-2 (Supervisors Delgaudio, Kurtz, and Staton-yes; Supervisors Clem and Snow absent).

6. *Section 2-103 (C)(3)(a) Cluster Subdivision-Maximum Number of Lots (Pg. A-90)*

**Planning Commission recommendation**

Eliminate the 25-lot per cluster requirement

**Board of Supervisors Action:**

The Board voted not to accept the Planning Commission's recommendation on this issue at its June 22 worksession on the CPAM.

7. *Section 2-103(C)(2)(i) Cluster Subdivision (Pg. A-90)*

**Board Action**

Supervisor Waters made a motion to add a new paragraph (i) to this section that would describe the lot standards for residential lot clusters, similar to language on Page A-161 in the JLMA-2 District, as follows:

- (i) **Variation of Lot Sizes:** In all new residential subdivisions containing seven (7) or more lots, a mixture of lot sizes and dimensions shall be provided in order to allow for a variety of housing opportunities and avoid monotonous streetscapes. No more than 25 percent of all lots shall be similar in total area. For purposes of this subsection, "similar" lot areas shall be defined as within 1500 square feet of each other.

Seconded by Supervisor Kurtz. The motion carried 7-1-1 (Supervisor Tulloch opposed; Supervisor Snow absent.)

8. *Section 2-103(C)(3) (b)& (c) Lot Standards for Cluster Subdivision (Pgs. A-90-91)*

**Staff recommendation:**

If the Board adopts the Planning Commission's recommendation to reduce the minimum lot size in a cluster subdivision based on the types of water and wastewater serving the site, lot requirements such as minimum lot width, minimum yard, and length to width ratio may need to be adjusted.

**Board of Supervisors Action:**

Supervisor Staton stated that the Planning Commission's proposed amendments on this issue were not approved at the June 20 worksession.

9. *Section 2-103(C)(3)(d) Lot Standards for Cluster Subdivision* (Pgs. A-90-91)

**Board of Supervisors Action:**

Supervisor Staton stated that the Board accepted the Planning Commission's recommendation at the June 20 worksession on this issue.

10. *Section 2-103(C)(3)(g) Maximum Lot Coverage* (Pgs. A-90-91)

**Board of Supervisors Action:**

Supervisor Waters moved to change the maximum lot coverage from 15 percent to 8 percent for lots under 40,000 sq. ft. Seconded by Chairman York. The motion carried 5-3-1 (Supervisors Delgaudio, Staton, and Tulloch-no; Supervisor Snow absent).

11. *Sections 2-103 (C)(3) (e) & (f), Lot sizes;* (Pg. A-91)

At the June 20 worksession, the Board accepted the Planning Commission's recommendation to reduce the minimum lot size in a cluster subdivision based on the types of water and wastewater serving the site.

**Board of Supervisors Action:**

Supervisor Kurtz moved to eliminate the minimum lot width requirements for cluster lots and eliminate the length to width ratio requirements. Seconded by Chairman York. Supervisor Waters offered an amendment to insert a new subsection (e) that would specify the minimum side yard width of 15 feet. The amended motion carried 8-0-1 (Supervisor Snow absent).

*Staff noted that the lot requirements such as minimum lot width, yard, and length to width ratio may need to be adjusted.*

12. *Section 2-106 Existing Lots of Record* (Pg. A-96)

**Staff recommendation:**

Add Section 2-106, **Existing Lots of Record**

(A) Lots existing as of (insert date of ordinance adoption) shall be permitted the uses identified in Table 2-102: AR-1 Agricultural Rural-1 District Use Table and shall follow the lot and building requirements for the Base Density Division option as identified in Section 2-103 (A).

(B) *Hamlet Lots.* For lots recorded prior to (insert date of ordinance adoption) and developed under a hamlet subdivision, in accordance with the zoning ordinance in effect at the time of subdivision, such lots shall follow the requirements in effect as of the date the lots were recorded.

**Board of Supervisors Action:**

Without objection, the Board agreed to accept staff's recommendation to add Section, 2-106.

**13. Section 2-103 (C) (5) Common Open Space; (10)(b) Communal Water and Sewage; and 2-104 HOA Responsibilities (Pgs. A-92 and A-94)**

Supervisor Staton withdrew his proposed amendments for these regulations.

**B. Section 2-200 AR-2 Agricultural Rural-2**

Supervisor Staton stated that some of the same issues raised in the AR-1 District are included in the AR-2 District and that unless a Board member wished to reconsider any of the regulations, the same procedures would continue for AR-2.

Supervisor Burton noted that the remainder of the Board members' proposed amendments on pages 10 and most of page 11 on the June 26 matrix are repeats of the same issues that had been decided on in the AR-1 District. Mr. Burton suggested that the same language carry over in the AR-2 District. Without objection, the Board agreed to carry over the regulations as appropriate.

1. **Section 2- 202 (F) Minimum Acreage required for use (Pg. A-99)**  
Staff explained that this section is the same as dealt with in AR-1 but was inadvertently left out of AR-2 in the original draft.

**Board Action**

Without objection, the Board accepted this correction.

2. **Section 2-203(C)(2)(h) Cluster Subdivision Option- Open Space (P. A-113)**  
A minimum of 85% of the gross land area of the development shall be comprised of a Rural Economy Lot(s) or a combination of Rural Economy Lot(s) and common open space.

**Planning Commission recommendation:**

A minimum of 70% of the gross land area of the development shall be comprised of a Rural Economy Lot(s) or a combination of Rural Economy Lot(s) and common open space.

**Board of Supervisors Action:**

Supervisor Clem made a motion to change the open space requirement from 85% to 70% in the AR-2 and RR-2 districts. Seconded by Supervisor Delgaudio. Following discussion, the Board agreed to table this issue until the July 5 worksession.

**C. Section 2-150 Rural Residential-1 Zoning District**

1. **Sections 2-154 (A)(2) Maximum Number of Lots; Sections 2-154 (A) (3) and (4) Number of Clusters and Distance; and 2-154 (A)(5) Minimum Lot Size 40,000 sq. ft. (P. A-121 & 122)**

**Board of Supervisors Action:**

The Board agreed to carry over the actions from the AR-1 and AR-2 Zoning District to these regulations. (Section 2-103 C (3) )

2. *Section 2-154(A)(9) and 2-154 (B)(5) Permitted and Special Exception Uses* (P. A-122 & A-124 & A-125)

Planning Commission recommendation

Base minimum lot size upon type of utility service:

- 1 acre minimum with on site water and wastewater
- ½ acre minimum with on site water and off site wastewater
- No minimum lot size with off site water and off site wastewater

Staff recommendation

The Board may want to combine these uses in the Rural Residential Districts.

Board of Supervisors Action:

Supervisor Staton moved to delete these sections allowing all uses in RR-1 and RR-2 Districts to be the same as in AR-1 and AR-2 Districts. Seconded by Supervisor Delgaudio. The motion FAILED 4-4-1 (Chairman York and Supervisors Clem, Staton, and Delgaudio-yes; Supervisor Snow absent).

3. *Section 2-154 (A)(6) & (7) & 2-155 (B) Minimum Lot Size, length to Width Ratio, Yards* (P. A-122 & A-126)

Board of Supervisors Action:

The Board agreed to carry over the actions from the AR-1 and AR-2 Zoning District to this district.

4. *Section 2-154 (A) (9)(i) Permitted Uses – Portable Dwelling/Trailer* (P. A-123)

In response to the Board's questions whether campers would be included in this regulation, staff clarified that campers and recreation vehicles are considered accessory uses to a dwelling and therefore permitted in all AR and RR zoning districts. These uses are further defined in Section 5-800 of the Ordinance.

5. *Section 2-154 (C) Common Open Space Use; 2-161 HOAs; 2-253(A)(3) (B) (F) & (G) Characteristics of Cluster Subdivision* (P. A-125 – 131)

Board of Supervisors Action:

The Board took action on these issues during discussion of related sections at its June 20 worksession and agreed to carry over those decisions to the RR zoning districts. Supervisor Staton withdrew his proposed motions.

6. *Section 2-154 (A) (9) & (B)(5) & (6) Permitted Uses on Rural Residential and Rural Economy Lots* (P. A-122-125)

Staff Recommendation

Apply the Planning Commission recommendation combining bed and breakfast categories and accessory dwelling categories to the RR-1 district.



**Board of Supervisors Action**

Without objection, the Board agreed to carry over the Board's previous actions related to these issues in the AR-1 and AR-2 zoning districts to the RR-1 and RR-2 zoning districts.

**D. Section 2-250 Rural Residential-1 Zoning District** (P. A-131 through A-135)

**Board of Supervisors Action**

The Board agreed to carry over its decisions on these issues in the RR-1 District to the RR-2 District, with the exception of the proposed amendments related to open space which was tabled for further discussion.

**E. Section 5-550 Temporary Uses/Zoning Permits**

**1. Section 5-500 (A) (2) Temporary Sales and Construction Trailers** (P. A-243)

**Planning Commission recommendation**

Allow permits for temporary dwelling to be extended by the Zoning Administrator for 6-month increments.

**Board of Supervisors Action**

Supervisor Burton moved to accept the Planning Commission's recommendation. Seconded by Chairman York. The motion carried 8-0-1 (Supervisor Snow absent).

**2. Section 5-500 (C) Temporary Special Events** P. (A-249)

**Planning Commission recommendation**

Delete the reference to "temporary."

**Board of Supervisors Action:**

Chairman York moved to accept the Planning Commission's recommendation. Seconded by Supervisor Tulloch. The motion carried 8-0-1 (Supervisor Snow absent).

**3. Section 5-500 (C)(1) & (2) Temporary Special Events** (P. A-249 & A-250)

**Planning Commission recommendation**

Delete applicability and exempt activities.

**Board of Supervisors Action**

Chairman York moved to accept the Planning Commission's recommendation. Seconded by Supervisor Tulloch. The motion carried 8-0-1 (Supervisor Snow absent).

4. *Section 5-500 (C)(2) & (3) (4); 5-500 C (5) (a), (g), (h); (5-500 (C) (7) Temporary Special Events* (P. A-250 – P. 253)

**Board of Supervisors Action**

Without objection, the Board agreed to delete references references to “temporary” and accept the recommended edits.

5. *Section 5-500 (C) (8) Temporary Special Events* ( P. A253)

**Planning Commission recommendation**

Reduce the number of days between events from 30 to 14 and delete “temporary.”

**Board of Supervisors Action**

Chairman York moved to approve the Planning Commission’s recommendation. Seconded by Supervisor Tulloch. The motion carried 8-0-1 (Supervisor Snow absent).

(The second line of the section was also edited, striking “temporary” and removing the strikeout through “special.”)

**F. Section 5-600 Additional Regulations for Specific Uses**

1. *Section 5-600 Modifications by full Special Exception* (P. A-265)

The additional regulations apply to specific uses as set forth in this section. These are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals. Unless otherwise specified, the following additional regulations may be modified by Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulation will achieve an innovative design, improve upon the existing regulations, preserve the County’s historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

**Planning Commission recommendation**

Modify Standards within 5-600 by Minor Special Exception (second sentence):

“...Unless otherwise specified, the following additional regulations may be modified by Minor Special Exception in accordance with the provisions of Section 6-1300.”....

**Board of Supervisors Action**

Without objection, the Board agreed to accept the recommended modification.

2. **Section 5-601 (A) and (B) Bed and Breakfast Homestay and Bed and Breakfast Inn**  
(P. A-265-266)

Planning Commission recommendation

Combine the categories Bed and Breakfast Homestay and Bed and Breakfast Inn and rename to "Bed and Breakfast." Delete standards for Bed and Breakfast Homestay.

Board of Supervisors Action

Without objection, the Board agreed to accept the Planning Commission recommendations which are consistent with previously approved action on these issues.

3. **Section 5-601(B)(2) Bed and Breakfast Inn** (P. A-266)

The ~~establishment~~ Inn shall not contain restaurant facilities but may provide food service for transient guests and visitors.

Planning Commission recommendation

Allow persons who are not overnight guests to be served food at the facility.

Board of Supervisors Action

Supervisor Waters moved to accept the Planning Commission recommendation. Seconded by Chairman York. The motion carried 8-0-1 (Supervisor Snow absent).

4. **Section 5-601 (B)(3) and (6) (a-i) Bed and Breakfast Inn** (P. A-266-269)

~~Special events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted pursuant to Section 5-500 C. Additional events beyond the limits established by Section 5-500 C may be permitted by special exception. Special Events conducted for compensation shall be permitted as follows: [page A-266]~~

Planning Commission recommendation:

Allow Bed and Breakfasts to host private parties.

~~Special events (e.g. weddings, receptions, and parties) or similar activities conducted for compensation shall be permitted pursuant to Section 5-500 C. Additional events beyond the limits established by Section 5-500 C may be permitted by special exception. Weddings, receptions, private parties, meetings and similar activities may occur in accordance with paragraph 6 below. [p.A-268 & A-269]~~

Board of Supervisors Action

Supervisor Burton moved to accept the Planning Commission recommendation, including the proposed amendments in 5-601 (B) (3) paragraph (6) (a-i) Intensity/Character and amend paragraph (6)(e) (iv) Yard Standards to change the noise requirement measurement from 500 feet to 2000 linear feet, measured from the property line. Seconded by Supervisor Delgaudio. The motion carried 8-0-1 (Supervisor Snow absent).

5. *Section 5-601(C) (1) through (7) Country Inn* (P. A-271 – A-274)

**Board of Supervisors Action**

Chairman York moved to accept the Planning Commission recommendations regarding Country Inns, Section 5-601(C) (1) through (7) (j), with an amendment to (C) (7) (e) Yard Standards changing the minimum required yard setback from 500 feet to 2000 linear feet, and an amendment to (C) (7) (j) to set noise measurements from the property line rather than an adjacent residential structure. Seconded by Supervisor Delgaudio. The motion carried 8-0-1 (Supervisor Snow absent).

6. *Section 5-601(D)(8)(h) Rural Retreats and Resorts/Measurement of Sound from Residential Structure* (P. A-276)

**Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line adjacent to residential structures, shall not exceed 55 dB(A). In addition, outdoor music shall not be allowed after 11:00 P.M.

**Planning Commission recommendation:**

Measure sound at the property line rather than as proposed at the nearest residential structure.

**Board of Supervisors Action**

Without objection, the Board accepted the Planning Commission's recommendation to measure sound at the property line for rural retreats and resorts to be consistent with the regulation for country inns.

7. *Section 5-602 Tenant Dwelling* (P. A-277)

**Tenant Dwellings.** Tenant dwellings may be located in the AR, A-3, A-10, TR, CR, and JLMA districts, in accord with the list of permitted and special exception uses for the individual zoning districts, subject to the following additional criteria: [(A) through (E)].

**Planning Commission recommendation:**

Delete Tenant Dwelling from the Districts where permitted.

**Board of Supervisors Action**

Supervisor Burton moved to accept the PC recommendation. Seconded by Supervisor Waters. The motion carried 8-0-1 (Supervisor Snow absent).

8. *Section 5-613(D) and (G) Accessory Dwelling* (P. A-288)

**Planning Commission recommendation:**

(D) Only one (1) accessory dwelling unit or apartment shall be permitted on a lot meeting the minimum lot requirements of the zoning district in which it is located. One additional accessory apartment or dwelling unit is permitted on a parcel with an area of 10 acres or more.

(G) In the AR-1, AR-2, RR-1, RR-2 Districts, one additional accessory dwelling shall be permitted for each 25 acres in excess of 10 acres. Additional dwellings may be permitted by special exception for seasonal labor.

**Board of Supervisors Action:**

The Board agreed to continue discussion of options for acreage requirements related to accessory dwellings at the July 5, 2006 worksession.

Committee Chair Staton reviewed the following items to be taken up at the July 5 worksession: open space requirements in AR-2 and RR-2; definition of adult entertainment for banquet facilities and private clubs; square footage for accessory dwelling units and guest houses; number of accessory dwellings permitted based on parcel size; and remaining items on pages 6 through 8 of the June 26 matrix. Board members were asked to submit any other items for the Board's consideration prior to the July 5 meeting.

The worksession was adjourned at 9:55 p.m.

ZOAM 2005-0002, ZMAP 2005-0042, AND DOAM 2005-0003

Amendments to the Rural Policies  
Board of Supervisors Committee of the Whole  
Draft Worksession Summary  
July 5, 2006

Board members in Attendance

Scott York, Chairman; Supervisors Jim Burton, Jim Clem Eugene Delgaudio, Sally Kurtz, Steve Snow, Mick Staton, Bruce Tulloch, and Lori Waters

Supervisor Staton, Chairman of the Committee of the Whole, convened the meeting.

I. Carryover Items.

On July 5, 2006, the Board of Supervisors took action on the following zoning ordinance amendments that were raised at the June 26, 2006 Committee of the Whole meeting and referred to the July 5 worksession for further discussion and action.

A. *Sections 2-203 C (2) (h) & 2-253 (G) Percentage of Open Space in AR-2&RR-2*

The Planning Commission recommended reducing the required open space for cluster developments in the AR-2 and RR-2 districts from 85% as proposed in the Board draft to 70% to be consistent with the AR-1 and RR-2 districts. At the Committee of the Whole meeting, a question was raised as to which percentage would provide greater flexibility in design. As the requirement is for the minimum amount of open space required, the lesser percentage, 70%, would provide greater flexibility. A developer always has the option of providing more open space than is required.

Board of Supervisors Action

Chairman York moved to accept the Planning Commission recommendation to change the open space requirement from 85% to 70%. Seconded by Supervisor Tulloch. The motion carried unanimously.

B. *Sections 5-613(D) and 5-613 (G) Accessory Dwelling Unit*

1. *Number of Accessory Dwellings.* The Board agreed to revise the Zoning Ordinance to delete Caretaker's residence, Guest house, and Tenant dwelling from the AR-1, AR-2, RR-1 and RR-2 use lists and to combine them into one use, Accessory dwelling.

Based on the June 26 discussion, staff developed the following amendment to the Accessory dwelling standards.

5-613(D) Only one (1) accessory dwelling unit or apartment shall be permitted on a lot ~~meeting the minimum lot requirements of the zoning district in which it is located.~~ One additional accessory apartment or dwelling unit is permitted on a parcel with an area of ~~40~~ 20 acres or more.

5-613(G) In the AR-1, AR-2, RR-1, RR-2 Districts one additional accessory dwelling shall be permitted for each 25 acres in excess of ~~40~~ 45 acres. Additional dwellings may be permitted by special exception for seasonal labor.

**Board of Supervisors Action**

Supervisor Kurtz moved to accept staff's proposed language. Seconded by Chairman York. The motion carried 6-2-1 (Supervisors Delgaudio and Staton-no; Supervisor Snow abstained).

***C. Sections 5-612 (D) & 5-613 (A), Size of Guest House, Accessory Dwelling***

1. Maximum size of Guest House. Although the Board has agreed to eliminate Guest house from the AR and RR use lists, this use is still permitted in the A-3, A-10, CR-1, CR-2, CR-3, CR-4, JLMA-1, JLMA-2, JLMA-3, JLMA-20, TR-3, TR-1. The draft text includes a recommendation from ZORC to increase the size of a Guest house from 1,500 square feet to 2,500 square feet. [Section 5-612(D)].
2. Maximum size of Accessory dwelling. The draft text includes a recommendation from the ZORC to increase the size of an Accessory dwelling from 1,200 square feet to 2,500 square feet. [Section 5-613(A)].

Based on discussion at the June 26 worksession, staff developed an amendment to the definition of Accessory dwelling that ties the maximum size of an accessory dwelling to the size of the principal dwelling:

Dwelling, Accessory: A dwelling or apartment within or detached from the principal dwelling of not more than the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or (ii) no more than 1,200 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

**Board of Supervisors Action**

Chairman York moved to keep "guest house" at 1500 square feet and accessory dwelling at 1200 sq. ft. Seconded by Supervisor Burton. An amendment was accepted from Supervisor Waters to establish 1800 sq. ft. for both types of dwellings. The motion FAILED 4-4-1 (Supervisors Burton, Kurtz, Waters, and York-yes; Supervisor Snow abstained)

Supervisor Tulloch moved a substitute motion suggested by Supervisor Staton to alter Sections 5-612 (D) and 5-613 (A) by inserting the definition proposed by staff for accessory dwelling or guest house: the lesser of 70% of the floor area of the principal dwelling or 2500 sq. ft., whichever is smaller. Seconded by Supervisor Clem. The motion FAILED 4-4-1 (Supervisors Clem, Delgaudio, Staton, and Tulloch-yes; Supervisor Snow abstained.)

Chairman York moved to accept staff's original proposed language, amending Sections 5-612 and 5-613: "....not more than the lesser of (i) 70% of the gross

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floor area of the principal structure and a footprint not more than 70% of the principal structure, or (ii) no more than 1,200 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling. Seconded by Supervisor Clem. The motion carried 8-0-1 (Supervisor Snow abstained).

**D. *Exclusion of Adult Entertainment from Banquet Facilities and Private Club or Lodge Uses.***

The Board expressed a desire to clarify Banquet Facilities and Private Club or Lodge uses exclude adult entertainment uses. Staff has developed the following amendments (in double underline) to definitions in Article 8 based on language found in the Fairfax County zoning ordinance:

*Adult Entertainment:* Adult entertainment is any medium used for presenting material or performances distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons therein; or limits the presentation of such materials to persons over 18 years of age. This definition shall not apply to a legitimate theatrical performance where nudity is only incidental to the primary purpose of the performance. For the purposes of this definition, "Specified Sexual Activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, public region, buttock or female breast.

And, 'Specified Anatomical Areas' is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(Source: Definitions, Fairfax County Zoning Ordinance.)

*Banquet/Event Facility:* A use in which the principal function is hosting special occasion events private parties at which food and beverages are served to groups of people, and which as facilities for the refrigeration and heating preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: restaurants, hotels bed and breakfasts, country inns, rural retreats, rural resorts, conference centers and similar uses. Adult entertainment shall not be permitted at a banquet/event facility.

*Private Club or Lodge:* A structure or facilities owned or operated by an organization of persons for special purposes, such as the promulgation of



*sports, arts, literature, politics, but not operated for profit, and excluding churches, synagogues, other houses of worship, and also excluding structures and uses associated with commercial or non-commercial outdoor recreation. Adult entertainment shall not be permitted at a private club or lodge.*

**Board of Supervisors Action**

Supervisor Burton moved to accept staff's proposed language and definitions for the purpose of excluding adult entertainment in private clubs and banquet facilities. Seconded by Supervisor Delgaudio. The motion carried 8-0-1 (Snow abstained)

***E. Kennels.***

The Board agreed previously to amend the AR-1 and AR-2 use list to change "Kennel" from a minor special exception use to a full special exception use and to change "Indoor Kennel" from a permitted use to a minor special exception use. In conjunction with the proposed amendments to the use lists, changes could also be made to additional regulations for Kennels in Section 5-606. Following is suggested language:

**5-606 Kennels/Indoor Kennels.** Nothing herein shall relieve a kennel from complying with the provisions of Section 808 of the Codified Ordinances of Loudoun County. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

**1. Kennels.**

a. **General.** Kennel shall mean any place in or at which, for a fee, six or more dogs, cats, or other household pets over the age of six months are trained, boarded or handled ~~in numbers greater than the following as provided for in this Ordinance:~~

~~(1) Two (2) dogs upon any lot less than 15,000 square feet in size.~~

~~(2) Four (4) dogs upon any lot which is at least 15,000 square feet in size but less than 20,000 square feet in size; when four dogs are kept on a lot of 15,000 square feet or more, such dogs shall be kept not less than twenty five (25) feet from all property lines.~~

~~(3) Six (6) dogs upon any lot which is at least 20,000 square feet in size; when six dogs are kept on a lot of 20,000 square feet or more, such dogs shall be kept not less than twenty five (25) feet from all property lines.~~

~~More than six dogs may be kept on lots larger than 20,000 square feet, provided that dogs are kept as follows:~~

~~(i) The required twenty five (25) foot setback shall be increased by an additional ten (10) Feet, not to exceed a maximum of one hundred (100) feet, for each additional two (2) dogs, and~~

~~(ii) The lot size shall be increased 10,000 square feet for each additional two (2) dogs.~~

~~b. "Kept." The word "kept", as used in this Section, shall mean any enclosure or structure used to house, shelter, restrain or exercise dogs, pets, but shall not mean a dwelling or a fence constructed to demarcate a property line.~~

**c. Not Applicable to Animal Hospital/Grooming Use.** This Section shall not apply to any establishment whose principal use is grooming or any animal hospital.

## **2 Indoor Kennel**

**a. General.** Indoor kennel shall mean any place that is within a completely enclosed commercial facility with no outdoor activity in which dogs, cats or other household pets are confined or penned in close proximity to each other, except for the primary purpose of grooming, or wherein any owner engages in boarding, breeding, letting for hire, training for a fee, or selling dogs, cats, or other household pets.

**b. No Opening to Outside.** Indoor Kennels shall not be housed in a structure with any opening to the outside except required ingress/egress and ventilation equipment, shall have an animal waste handling plan, and shall conform to any other requirements that the Planning Commission and/or Board of Supervisors may impose pursuant to special exception review (Section 6-1300).

**c. Accessory Uses.** Indoor Kennels may include accessory uses to an indoor kennel: up to 10% of gross floor area for retail sales, up to 10% of gross floor area for veterinary service, up to 10% of gross floor area for animal hospital, and up to 10% of gross floor area for grooming; provided, however, that accessory uses may not exceed 25% of the total gross floor area.

**3. Kennels in AR, TR, and JLMA Districts.** Kennels in the AR, TR and JLMA districts shall comply with the following standards.

**a. Location on Site/Dimensional Standards.** An outdoor kennel shall be set back 100 feet from a lot line.

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**b. Roads/Access.**

- (1) All kennels shall comply with the road access standards of Section 5-654.
- (2) There shall be no more than one point of access from a kennel to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

**c. Landscaping/Buffering/Screening.**

- (1) The use shall comply with the landscaping and screening standards of Section 5-653(A).
- (2) Parking areas shall be screened to comply with the requirements of Section 5-653(B).

**d. Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

**e. Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A).

**f. Parking.**

(1) **General.** Parking and loading shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standard Manual.

**Board of Supervisors Action**

Supervisor Burton moved to accept staff's proposed language. Seconded by Supervisor Delgaudio. The motion carried 8-0-1 (Supervisor Snow abstained).

**F. Noise.**

The Board took action at its June 26 worksession to measure sound from the property line for Bed and Breakfast and Country Inn uses. In the 5/16/06 draft text there are a number of versions addressing this issue:

- Pages A-268 and A-271 Sections 5-601(B)(6)(g) and 5-601(C)(4)(h). The *original Board text*, as recommended by the ZORC states that noise is to be measured from the nearest adjacent residential structure, that the noise can be no greater than 55 dB(A), and that outdoor music is not permitted after 11 PM.
- Pages A-269 and A-274 Sections 5-601(B)(6)(i) and 5-601(C)(7)(j). The *Planning Commission draft* removes the reference to measurement of noise from the property line, has no reference to the 55 dB(A) (although the text

“shall not exceed 55dB(A)” was not struck in the B&B section, it was intended to be), and establishes hours when outdoor music is prohibited.

The Board indicated in its discussion that noise should be measured from the property line; that the Planning Commission’s recommendation for hours of restriction on outdoor music was acceptable; and that there should be reference to the noise standards section of the ordinance. The noise standards of Section 5-1507 addresses stationary noise only; therefore, staff recommends that the text be revised as follows:

**5-601(C )(7)(j) Noise.** The maximum allowable dB(A) level of impulsive sound emitted from the use, as measured at the property line, shall not exceed 55 dB(A). No outdoor music between 11pm and 10 am on Friday and Saturday and holidays, and between 10 pm and 10 am on Sunday through Thursday.

**Board of Supervisors Action**

Supervisor Waters moved to adopt the proposed language as recommended by staff. Seconded by Supervisor Kurtz. The motion carried 8-0-1 (Supervisor Snow abstained).

***G. Section 5-601/Committee Of The Whole Action/Bed and Breakfasts and Country Inns***

At its June 26 Committee of the Whole meeting, the Board decided to amend zoning ordinance amendments to make Bed and Breakfasts and Country Inns permitted by Minor Special Exception. This action affects the following uses:

1. *Rural Retreats and Rural Resorts.* Within the AR-1 and AR-2 zoning districts, Rural Retreats and Rural Resorts are permitted by right with the number of permitted rooms based on acreage. The Committee of the Whole’s action of June 26<sup>th</sup> would make Bed and Breakfasts and Country Inns as Minor Special Exception uses, and, as no action was taken regarding Rural Retreats and Rural Resorts, such Rural Retreat and Rural Resort uses would remain as permitted by right uses. Staff suggested the Board may want to address whether Rural Retreats and Resorts should continue as by right uses, or also be permitted by Minor Special Exception.
2. *Bed and Breakfast and Country Inn.* The AR-1 and AR-2 zoning districts currently in effect, list Bed and Breakfast Inns and Country Inns as permitted by-right uses, depending on the acreage of the subject parcel. If the Board is concerned about the ability to regulate the Banquet Facility component of such uses, the Board could allow Bed and Breakfasts and Country Inns by right if those facilities do not have a Banquet Facility component, that is, they do not host private parties such as weddings and associated receptions.

**Board of Supervisors Action:**

Supervisor Burton moved that rural retreats, rural resorts, country inns, and bed and breakfast facilities that host private parties, any type of special events, or banquet facilities be a minor special exception use. Such facilities that rent sleeping rooms or meeting rooms only would be a by-right use. Seconded by Supervisor Clem. The motion carried 5-3-1 (Chairman York, Supervisors Delgaudio and Staton opposed and Supervisor Snow abstained).

## II. Zoning Ordinance Amendments

### **A. Section 5-600 Additional Regulations for Special Uses**

#### **1. Section 5-614 (A) (1) & (B) and Small Businesses/Definitions (P. A-288 & A-289)**

##### Staff recommendation

Insert "RR-1 and RR-2" into the list of districts in which small businesses are permitted.

##### Board of Supervisors Action

Without objection, the Board agreed to accept staff's recommendation to add the Rural Residential (RR) districts in this section.

#### **2. Section 5-614 (A) (2) & (E) (2) Small Businesses (P. A-288 & A-290)**

The intent of this Section is to allow local, small-scale businesses to locate and operate at the owner's principal place of residence. Supervisor Waters raised the issue that the current language would not permit property owners to lease their property to someone else to operate a small business and proposed amending the language to allow property owners to lease the structures on their property for this purpose.

##### Board of Supervisors Action

Supervisor Waters moved to strike language in the Title and text of 5-614(A)(2) as follows: "Allow Local, Small-Scale Businesses to Locate and Operate ~~at the Owner's Principal Place of Residence;~~" and modify the definition of "small businesses" in Article VIII in the Ordinance; and strike language in Section 5-614 (E) (2): Regulations for ~~Accessory Buildings Structures~~. Seconded by Chairman York. The motion carried 7-0-1-1 (Supervisor Snow abstained; Supervisor Clem absent).

#### **3. Section 5-614 (D) Small Business Uses Permitted by Special Exception (P. A-289)**

##### Staff recommendation:

The draft text adds RR-1 and RR-2 to the districts that permit small businesses but removes repair service occupations and contractors and contracting from the RR Districts. The following language is recommended:

"Small businesses not meeting the criteria of Section 5-614(C) may be allowed by special exception, granted by the Board of Supervisors upon recommendation of the Planning Commission. Special exception applications made pursuant to this Section are subject to the procedures and standards established in Section 6-1300 as well as to the uses, standards and restrictions that follow. The following uses may be approved as "small businesses" in the AR-1, AR-2, RR-1, RR-2, A-3, A-10, TR, CR, JLMA, and PD-CV zoning districts.

(1) Business service occupations

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- (2) Personal service occupations
- ~~(3) Repair service occupations~~
- ~~(4) Construction and contracting~~
- (5) Antique sales and the sale of any goods or items produced on the premises.
- (6) Except as provided above, no retail or wholesale commercial businesses are permitted. In addition, the following uses may be approved as "small businesses" in the AR-1, AR-2, A-3, A-10, TR, CR, JLMA, and PD-districts.
- (7) Repair service occupations
- (8) Contractors and contracting."

**Board of Supervisors Action**

Supervisor Burton moved to accept staff's proposed language and accepted Chairman York's proposed amendment to add "office only" for repair service occupations and contractors and contracting in the RR districts. The motion carried 8-0-1 (Supervisor Snow absent).

**4. *Section 5-619(D)(2) & (E) Rural Agricultural Corporate Retreat* (P. A-304)**

**Staff recommendation:**

These two sections are redundant and should be deleted for consistency. Section 5-600 allows modifications through the special exception process and the cited sections also provide for modifications to the Rural Corporate Agricultural Retreat through the special exception process.

**Board of Supervisors Action**

Without objection, Board members agreed to delete these two sections.

**5. *Section 8, Definition "Rural Agricultural Corporate Retreat"***

**Zoning Ordinance Review Committee (ZORC) recommendation:**

Revise the definition of Rural Agricultural Corporate Retreat as follows:

**Rural agricultural corporate retreat:** A use compatible to the primary land use of agriculture, horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation, and development of new technologies, techniques, processes, or professional and consulting services, and education and training related to such advances and services. Rural Agricultural Corporate Retreats ~~are to~~ may be utilized for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning. Rural Agricultural Corporate facilities may include facilities for associated training programs, seminars, conferences, and related activities. No outdoor storage related to the corporate retreat use is permitted. No on-site retail or wholesale sales are permitted.

**Board of Supervisors Action:**

Supervisor Kurtz moved to amend the existing definition of "Rural Agricultural Corporate Retreat and replace with ZORC's recommended definition, with an amendment to strike the last sentence, "No on-site retail or wholesale sales are permitted." The motion was seconded (inaudible) and carried 7-0-1-1 (Supervisor Snow abstained. Supervisor Clem absent).

6. *Section 5-626 Agriculture, Horticulture and Animal Husbandry* (P. A-308)

Staff recommendation: The existing definition requires a 3-acre minimum parcel size. ZORC recommends a 2-acre minimum. Staff recommends keeping a 3-acre minimum or increase to five acres to be consistent with the land use program.

**Board of Supervisor Action:** Supervisor Burton moved to accept staff's recommendation to increase the minimum parcel size to five acres. The motion FAILED due to lack of a second.

Supervisor Staton noted that with no motion to reduce the minimum to two acres, as recommended by ZORC, the minimum parcel size will remain at three acres.

7. *Sections 5-635 (F)(2), 5-640 (G), and 5-652 (B)(2) Measurement of Sound from Residential Structure* (P. A-322, A-329, and A-344)

Staff recommendation

To be consistent with the Board's previous action on this issue, revise to measure impulsive sound at the property line rather than as proposed at the nearest residential structure.

**Board of Supervisors Action:**

Without objection, Board members agreed to accept staff's recommendation to remain consistent with the same standards established previously.

8. *Section 5-638 Public Safety Uses* (P. A-324 and A-325)

Staff recommendation:

ZORC recommended that the minimum lot size for a public safety use be reduced from three acres to two acres, as incorporated into the draft text. Based on recent experience, however, staff notes that two acres is insufficient for public safety uses and recommends keeping the minimum at three acres.

**Board of Supervisors Action:**

Without objection, the Board agreed to keep that the minimum lot size for public safety uses at three acres.

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9. *Sections 5-642 (A),(B),(E),(H), I(a) and (b); 5-645 (B)(2); 5-652 (B)(2) Banquet Facility, (P. A-331-335)*

Planning Commission recommendation:

The recommendations would change the name in these sections from "Banquet Facility" to "Banquet Facility/Event Facility; change the closing hours of operation from 2 a.m. to midnight; base the number of persons at indoor private on occupancy and number of persons at outdoor parties based on acreage.

Board of Supervisors Action

Supervisor Staton moved to adopt the four Planning Commission recommendations. Seconded by Supervisor Delgaudio. The motion carried 7-0-2. (Supervisors Snow and Clem abstained).

10. *Section 5-645 (B)(2) Camp, Day and Boarding/Setback from Lot Lines (P. A-335)*

Staff recommendation:

There are four levels of camps that regulate how many campers are permitted in the facilities, based on acreage. Currently there is no Level IV listed for this section. Staff recommends adding "Level IV" and the appropriate setback of 300 feet.

Board of Supervisors Action

Without objection, the Board agreed to accept staff's recommendation.

11. *Section 5-653 Landscaping Standards for specific uses (P. A-344)*

Staff recommendation:

The proposed amendments would require screening for adjacent lots of 4 acres or less in size. As a practical matter, this proposed change no longer requires screening of the parking area. Further, the proposed language allows the Zoning Administrator to waive the requirement when it really is not a buffer. The proposed 6 canopy trees per 100 linear feet is not an effective buffer for outdoor storage areas. Staff recommends that the existing screening standards remain in place.

Board of Supervisors Action:

Supervisor Waters suggested keeping a Type 3 buffer instead of 3 canopy trees over 100 linear feet if there is a house on the existing lot. Without objection, the Board accepted the proposed changes, as amended by Supervisor Waters.



12. *Section 5-653(A)(1) Landscaping Standards. for Specific Uses (P. A-345)*

Staff recommendation:

Replace the word "circumnavigate" with "surround."

Board of Supervisors Action:

Without objection, the Board agreed to the word change.

13. *Section 6-654 Road Access Standards for Specific Uses (P. A-345)*

Planning Commission recommendation:

Keep the table amended by ZORC and add a sentence to clarify that "All Facility Standards Manual provisions regarding waivers apply."

Board of Supervisors Action:

Without objection, the Board agreed to accept the Planning Commission recommendation.

14. *Section 5-660 Country Club (P. A-352 through A-354)*

Planning Commission recommendation:

The recommendations to modify various proposed amendments in this section would revise the Intensity/Character table; increase FAR to .04 to be consistent with other increases in FAR throughout Section 5-600; adjust percentages for uses; delete a reference to conservation design; buffer the use from adjacent properties not within the same development; edit requirement to screen structures on ridgeline; delete a paragraph in (C)(3) regarding the use of the facility; and edit water and sewer standards.

Board of Supervisors Action:

Supervisor Burton moved to accept the Planning Commission's recommendations. Seconded by Chairman York. The motion carried 8-0-1 (Supervisor Snow abstained).

B. *Section 5-1400 Landscaping and Buffering*

1. *Section 5-1406 (E)(2) Special Situations (P. A-404)*

Staff recommendation

Add RR-1 and RR-2 to the list of districts that are exempt from providing a Type 3 buffer with berm along an arterial road. Currently A-3, A-10, AR-1 and AR-2 districts are exempt.

Board of Supervisors Action:

Without objection, the Board agreed to make the change.

2. *Section 5-1409 (I) Buffer Yard Waivers and Modifications* (P. A-407)

Staff recommendation:

Replace the word "circumnavigate" with "surround."

Board of Supervisors Action:

Without objection, the Board agreed to the word change.

C. **Article 8 Definitions**

1. *Accessory Building* (P. A-469)

Planning Commission recommendation:

Revise the definition to allow subordinate buildings of not more than the greater of 70% of the gross floor area of the principal structure or 2500 sq. ft.

Board of Supervisors Action:

Chairman York moved to accept the Planning Commission recommendation. Seconded by Supervisor Waters. Supervisor Burton offered a substitute motion to adopt the same language as "accessory dwelling." Seconded by Supervisor Clem.

This issue was revisited. Following further discussion, Supervisor Tulloch moved to revise the standard for sizes of accessory buildings as follows: 2500 sq. ft. on 5 acres; 5,000 sq. ft. on 5-10 acres; 7500 sq. ft. on 10-20 acres; and 10,000 sq. ft. above 20 acres. Seconded by Supervisor Delgaudio. The motion carried 8-0-1 (Supervisor Snow abstained).

3. *Banquet/Event Facility* (P. A-469)

Planning Commission recommendation:

Revise the definition to clarify that food may be prepared on site (not just heated) and use may be an ancillary component of some uses.

Board of Supervisors Action:

Without objection, the Board agreed to revise the definition of Banquet/Event Facility.

4. *Bed and Breakfast Homestay* (P. A-469)

Planning Commission recommendation:

Delete this definition.

Board of Supervisors Action:

Without objection, the Board agreed to delete this definition since the use was deleted previously.

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5. *Bed and Breakfast Inn* (P. A-469)

Planning Commission recommendation:

Revise the definition to allow 3-10 guest rooms and that the facility may provide food service for overnight guests or other transient guests attending meetings or private parties.

Board of Supervisors Action:

Without objection, the Board agreed to accept the revised definition and asked staff to provide a cost and process comparison between a full Special Exception and a minor Special Exception.

Staff Comment

*Based on the Board's previous action, meetings for attendees who are not guests at the inn would be a minor SPEX and attendees who are guests would be a byright use. Staff will review this issue further to determine whether it is necessary to set up stages to distinguish these uses.*

6. *Country Inn* (P. A-469)

Planning Commission recommendation:

To be consistent with Section 5-600, revise definition to allow meeting rooms, banquet/event facilities and a range of 4-40 overnight guest rooms.

Board of Supervisors Action:

Without objection, the Board agreed to accept the revised definition of "Country Inn."

7. *Dwelling Accessory* (P. A-469)

Planning Commission recommendation:

Revise definition to permit a maximum of 2500 square feet of gross floor area.

Board of Supervisors Action:

Without objection, the Board agreed to accept the revision of the definition of Accessory Dwelling to be consistent with Section 5-600.

8. *Private Parties* (P. A-470)

Planning Commission recommendation:

Add the following definition for "Private Parties."  
Events that are not open to the public and are by invitation only.

Board of Supervisors Action:

Without objection, the Board agreed to accept the addition of the definition for private parties.

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**9. Special Event (P. A-471)**

Staff recommendation:

The Planning Commission's and staff's proposed revision to this definition are basically the same. However, staff recommends rephrasing the Planning Commission's revision to clarify what constitutes a special event versus a private party. Staff also recommends deleting the last sentence which references temporary and seasonal sales since Section 5-500 includes regulations for temporary sales.

Board of Supervisors Action:

Supervisor Burton moved to accept staff's revision to the definition for Special Events with an amendment to add the last sentence from the Planning Commission's proposed revision: "Special event does not include temporary or seasonal retail sales of goods, products, or services such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal goods. The motion was seconded (inaudible) and carried 8-0-1 (Supervisor Snow abstained).

**10. Definition of Small Business**

Board discussion

Supervisor Waters raised the issue that staff is drafting a modified definition of "Small Business" to be consistent with a related issue approved by the Board previously. Without objection, Board members requested that staff draft a revised definition for the Board's consideration when the final draft is prepared.

**III. DOAM 2005-0003 – Amendments to the Loudoun County Land Subdivision and Development Ordinance (LSDO)**

**A. Section 1245.10 On-site Sewage Disposal Systems**

Planning Commission recommendation:

Revise Chapter 6 of the Facilities Standard Manual (FSM) to change the requirements for a hydrogeologic report and well digging from "prior to preliminary plat submission" to "prior to record plat approval." (Staff noted that this proposed amendment was not advertised as part of the original amendments and would require a separate public hearing process.)

Staff recommendation:

Proposed Amendment to Section 1245.10 of the LSDO – "Where hydrogeologic testing has been required pursuant to preliminary subdivision plat review and approval, no record plat of subdivision shall be approved for any lot under 80,000 square feet until written approval of constructed well has been secured from the Health Director."

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Chapter 6.210 of the FSM currently outlines requirements for hydrogeologic testing and wells related to the subdivision of property. Staff believes that the current language in the FSM and the language proposed to the LSDO provide appropriate regulation to implement the proposed subdivision options.

**Board of Supervisors Action:**

Chairman York moved to keep the existing language in Chapter 6 of the FSM regarding the requirements for a hydrogeologic report and well digging and accept staff's recommended proposed language to Section 1245.10 of the LSDO as presented in the July 5, 2006 staff report. Seconded by Supervisor Tulloch.

Supervisor Snow moved to table this issue until more information is available. Seconded by Supervisor Delgaudio. This motion FAILED 3-6 (Supervisors Delgaudio, Snow, and Staton-no)

Vote on the motion to accept staff's recommendation carried 7-0-2 (Supervisors Snow and Staton abstained)

**IV. ZMAP 2005-0042, ZMAP 2006-0002 – Amendments to the Zoning Map**

**A. Zoning contiguous to Villages, Towns and JLMAs**

The Revised General Plan currently supports growth around the Towns in the Joint Land Management Areas and directs that zoning districts be crafted for the villages in the areas currently in the Village Overlay Districts.

**Options:**

Retain CR-1, CR-2, CR-4, and RC zoning districts contiguous to existing Villages, Towns and JLMAs as recommended by the Planning Commission, or remap to AR-1 and AR-2 as advertised.

**Board of Supervisors Action:**

Supervisor Kurtz moved to remap to AR-1 and AR-2 as advertised. Seconded by Supervisor Burton. The motion carried 6-3 (Supervisors Delgaudio, Snow, and Staton-no)

**B. Red Hill Community**

The Red Hill Community has PD-RV zoning to the west and north, TR-3 zoning to the south and TR-10 zoning to the northeast and PDH-4 to the east. It is separated from the rest of the area proposed to be AR. The TR districts permit public water and sewer; the A-3 and AR districts do not. Community members have expressed a desire to be mapped to a TR district or to be left as A-3.

**Options:**

The Board could opt to retain the A-2 zoning district as recommended by the Planning Commission, or remap to the AR-1 district as advertised.

A-446

**Board of Supervisors Action**

Chairman York moved to retain the A-3 zoning district. Seconded by Supervisor Delgaudio. The motion carried unanimously.

**V. Scheduling of Special Board meeting**

The Board agreed to schedule a special Board of Supervisors meeting for July 27, 2006 at 6:30 p.m., following the joint Board and Planning Commission public hearing on July 24, 2006.

Supervisor Snow requested that the following statement be entered into the record:

Due to the fact there has not been a recent study in accordance with violation of VA Code, and I'll bring the Code, that this process and conclusions are in fact arbitrary and capricious. I want to enter that into the record because I think it was evident by the testimony that we've not done any recent study since 1999 and 2000. In fact the staff said that. Therefore, I want to establish the basis, the fact that this is not well done.

The worksession was adjourned at 9:50 p.m.